

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

Marc Veasey, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.: 2:13-cv-193
	)	
Greg Abbott, et al.,	)	
	)	
Defendants.	)	
_____	)	

DECLARATION OF ARMAND DERFNER  
IN SUPPORT OF PETITION FOR ATTORNEYS' FEES

1. Pursuant to 28 U.S.C. §1746, I make this declaration in support of plaintiffs' petition for attorneys' fees in this case.

Background

2. I have practiced law since 1965. I am a member of the Bar of the State of South Carolina and various federal courts including the District of South Carolina, the Fourth and Fifth Circuits and the Supreme Court of the United States.

3. I am a graduate of Princeton University (A.B. 1960), and Yale Law School (LL.B. 1963), where I was Note and Comment Editor of the Yale Law Journal. Upon graduation, I was law clerk to Hon. David L. Bazelon, Chief Judge of the U.S. Court of Appeals for the D.C. Circuit.

4. In 1964-67, I was an associate at Covington & Burling, in Washington, D.C. In 1968-74 I was engaged in civil rights litigation in Jackson, Miss., and Washington, D.C. Since that time I have been in private practice in Charleston, S.C., except for four years in Washington, D.C., during which I worked on voting rights legislation and was a Visiting Professor of Law at

the Washington College of Law of the American University (1982-83). Currently, in addition to my practice, I am Scholar in Residence in Constitutional Law at the Charleston School of Law.

5. Along with co-counsel or my firm, I was named Trial Lawyer of the Year in 2002 by the American Trial Lawyers Association (Trial Lawyers for Public Justice), and was named Pro Bono Lawyer of the Year in 2007 by both the South Carolina Bar and the American Bar Association.

6. I have published many law review articles, most recently "Voting is Speech," 34 YALE L&PR 471 (2016)(with J. Gerald Hebert), and "How the Courts Keep Ex-Felons Disfranchised," 85 MISS L.J. 1179 (2017).

7. In my more than fifty years of practice, I have specialized in trial and appellate litigation, especially involving the right to vote. I have argued frequently in the U.S. Supreme Court and federal and state appellate courts, in voting rights cases and other cases.

8. My reported voting cases include the following:

Allen v. State Board of Elections, 393 U.S. 544 (1969); Perkins v. Matthews, 400 U.S. 379 (1971); Ferguson v. Williams, 405 U.S. 1036 (1972) (appeal only); City of Petersburg v. United States, 354 F.Supp. 1021 (D.D.C. 1972), aff'd, 410 U.S. 962 (1973); Stevenson v. West, 413 U.S. 902 (1973); Commissioners of Election v. Lytle, 509 F.2d 1049 (4th Cir. 1974); City of Richmond v. United States, 422 U.S. 358 (1975); Morris v. Gressette, 432 U.S. 491 (1977); Hayward v. Clay, 456 F.Supp. 1151, 1156 (D.S.C. 1977), aff'd, 573 F.2d 187 (4th Cir. 1978); Allen v. Ellisor, 477 F.Supp. 321 (D.S.C. 1978), rev'd en banc, 664 F.2d 391 (4th Cir. 1980), vacated, 454 U.S. 807 (1981); Blanding v. DuBose, 454 U.S. 393 (1982); County Council of Sumter County v. United States, 555 F.Supp. 694 (D.D.C.

1983); McCain v. Lybrand, 465 U.S. 236 (1984); Hardy v. Wallace, 603 F.Supp. 174 (N.D. Ala. 1985); NAACP v. Hampton County Election Commission, 470 U.S. 166 (1985); Fielding v. South Carolina State Election Commission, 305 S.C. 313, 408 S.E.2d 232 (1991); Sinkfield v. Folsom, 6 F.3d 1465 (11th Cir. 1993); G.R.O.W. v. Beasley (Condon v. Reno), 913 F. Supp. 946 (D.S.C. 1995); United States and Moultrie v. Charleston County, 316 F.Supp.2d 268 (D.S.C.2003), *aff'd*, 365 F.3d 341 (4<sup>th</sup> Cir. 2004), *cert. denied*, 543 U.S. 999 (2004); Fairfield County Sch. Dist. v. State, 395 S.C. 276, 718 S.E.2d 210 (S.C. 2011).

9. My reported cases in other fields of law include the following:

Robinson v. Coopwood, 292 F.Supp. 926 (N.D.Miss. 1968); Trister v. University of Mississippi, 420 F.2d 499 (5th Cir. 1969); Hooker v. Brookhaven Housing Authority, 231 So.2d 774 (Miss. 1970); Carpenter v. Davis, 424 F.2d 257 (5th Cir. 1970); Lucas v. Chapman, 430 F.2d 945 (5th Cir. 1970); Battle v. Mulholland, 439 F.2d 321 (5th Cir. 1970); Yates v. Breazeale, 402 F.2d 113 (5th Cir. 1968), *vacated*, 408 U.S. 934 (1972); Oliver v. Kalamazoo Board of Education, 576 F.2d 714 (6th Cir. 1978) (*appeal only*); Brown v. Porcher, 502 F.Supp. 946 (D.S.C. 1980), *aff'd*, 660 F.2d 1001 (4th Cir. 1981), *cert. denied*, 459 U.S. 1150 (1983); United States v. State of Alabama, 791 F.2d 1450 (11th Cir. 1986), 828 F.2d 1532 (11th Cir. 1987), 787 F.Supp. 1030 (N.D. Ala. 1991), 14 F.3d 1534 (11th Cir. 1994), 900 F. Supp. 272 (N.D. Ala. 1995); Edmonds v. United States, 658 F.Supp. 1126 (D.S.C. 1987) (*shared responsibility with lead counsel and others*); Coakley v. Welch, 877 F.2d 304 (4th Cir. 1989); Goodwin v. Metts, 885 F.2d 157 (4th Cir. 1989), 973 F.2d 328 (4th Cir. 1992)(*shared principal responsibility on appeal*); Brown v. City of N. Charleston, 314 S.C. 298 (S.C. App. 1994); Ayers v. Fordice, 879 F. Supp. 1419 (N.D. Miss. 1995); Fowler v. Beasley, 322 S.C. 463 (S.C. 1996); Tompkins v. Alabama State Univ., 15 F. Supp. 2d 1160 (N.D. Ala. 1998); H

oters v. Phillips, 173 F.3d 933 (4th Cir. 1999); Local 1422, ILA v. SC Stevedores, 170 F.2d 407 (4th Cir. 1999); Littlefield v. S.C. Forestry Comm., 337 S.C. 348 (S.C. 1999); George v. Fabri, 345 S.C. 440 (S.C. 2001); Ayers v. Thompson, 358 F.3d 356 (5<sup>th</sup> Cir. 2004), cert. denied, 543 U.S. 951 (2004); Adams v. Edgerton, 2005 USDistLEXIS 25653 (D.S.C. 2005); Southeast Booksellers v. McMaster, 371 F.Supp.2d 773 (D.S.C. 2005); Brown v. Nucor Corp., 576 F.3d 149 (4<sup>th</sup> Cir. 2009); Segars-Andrews v. Judicial Merit Selection Comm., 387 S.C. 109, 691 S.E.2d 453 (2010); International assn of Machinists v. Haley, 832 F.Supp.2d 612 (D.S.C. 2011)(co-counsel); Charleston County Sch. Dist. V. Harrell, 393 S.C. 552, 713 S.E.2d 604 (S.C. 2011)(co-counsel); Fairfield County Sch. Dist. v. Chester County Sch. Dist., 409 S.C. 119, 761 S.E.2d 241 (S.C. 2014); Doe v. Kidd, 656 F.3d 643 (4<sup>th</sup> Cir. 2016).

#### Work in this Case

10. My work in this case began in the summer of 2013, shortly after the original complaint was filed. My first task, while familiarizing myself with the background and record already compiled on the issue of S.B. 14 of 2011, was drafting the First Amended Complaint. Since that time I have worked in all phases of trial preparation, trial and appeals. My main responsibilities have included planning the trial strategy throughout and taking principal responsibility for drafting, including pleadings, memoranda, written discovery, proposed findings and conclusions, and appellate briefing. I also participated fully in the trial.

11. I seek compensation in this case for 1,204.10 hours. This figure, as summarized in Exhibit A, is based on 1,483.10 hours recorded (far less than the time I actually spent), minus 279.0 hours (19%) reduced in the exercise of billing judgment.

12. I also seek compensation for \$13,673.82 in un-reimbursed out-of-pocket costs that I personally spent, as reflected in Exhibit B.

13. I believe a rate of \$613 per hour for my time is reasonable in this market for a lawyer with my specialized experience in complex voting litigation of this sort.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed at Charleston, S.C., on April 4, 2019.

  
Armand Derfner

Exhibit A

Exhibit A-1 lists hours contemporaneously recorded between May 2014 and October 2016. In the exercise of billing judgment, however, I have deducted hours (1) spent in travel (although I often did work while traveling), (2) hours spent on all-plaintiff conference call, and (3) all hours in excess of eight hours in any day, even though I often worked 10 or 12 hours on a given day.

Exhibit A-2 lists hours reconstructed for the period August 2013 through April 2014. The wonders of modern technology apparently lost my contemporaneous time records, so this is a reconstruction based on blocks of time on my major activities in this case during that period. The time claimed is a tiny fraction of the time I actually spent during this period, but is the best I can do in the absence of contemporaneous time records. In the exercise of billing judgment and extreme caution, I have deducted a flat percentage of these hours.

Exhibit A-1: Total 1,163.10, minus billing judgment 215.00:      Total Claimed 948.10

Exhibit A-2: Total 320.00, minus billing judgment 64.00:      Total Claimed 256.00

Total: Hours spent 1,483.10, minus billing judgment 279.00 (19%)

Total Claimed: 1,204.10

Exhibit A-1 – 10 pages attached



**Derfner & Altman, LLC**

575 King Street  
Suite B  
Charleston, SC 29403

Phone: 843/723-9804

Fax: 843/723-7446

April 4, 2019

Rick Veasey  
c/o Chad W. Dunn  
Brazil and Dunn LLP  
Houston, TX 77068

File #: 219000  
Invoice #: Sample  
Period: 01/01/82 - 04/04/19

**RE:** Veasey, Marc/Perry, RickPROFESSIONAL SERVICES

May-09-14	AGD	Tel ES, Michael Herron	0.60	
May-09-14	AGD	Research common interest.	7.00	
May-10-14	AGD	Draft common interest.	5.00	
May-11-14	AGD	Draft proposed order roadmap.	11.50	+3.5
May-12-14	AGD	Tel conv Veasey counsel, all plaintiffs' counsel, Tex AG re discovery, EW (3), e-mails re Common Interest, research re same	9.00	-1.0
May-22-14	AGD	Common interest, including tel Whitley.	4.50	
May-22-14	AGD	Weekly call, including DOJ.	2.00	-2.0
May-22-14	AGD	Veasey team call.	1.00	
May-23-14	AGD	Discovery.	13.50	-5.5
May-23-14	AGD	Tel expert.	1.00	
Jun-06-14	AGD	Tel Lichtman, es; hearing, including prep, review CI papers. State's request for federal databases.	7.50	
Jun-09-14	AGD	Tel ES, draft, review letter re: discovery, review previous discovery letters and emails.	3.50	
Jun-09-14	AGD	Research Beare v. Smith and several cases cited there.	2.00	
Jun-09-14	AGD	Email traffic.	1.00	-1.0
Jun-10-14	AGD	Tel Rosenberg re: legislator depositions, including review leg. depositions from Section 5 case.	2.50	
Jun-10-14	AGD	Tel Veasey team.	1.80	
Jun-10-14	AGD	Tel Ruoff, review Ruoff data.	1.40	
Jun-10-14	AGD	Review Texas motion to compel federal databases.	1.00	
Jun-10-14	AGD	Tel ES, ER re: Gandy deposition and discovery issues.	1.00	



Invoice #:	Sample	Page #:	2
Jun-12-14	AGD	Draft response to Motion for federal databases.	2.50
Jun-12-14	AGD	Conference call mtg re: expert witnesses.	3.00 -1.0
Jun-12-14	AGD	Review and email re: discovery issues, including no. of interrogatories.	1.00
Jun-13-14	AGD	Revise EIC memo.	3.50
Jun-13-14	AGD	Response to motion to compel federal databases.	1.00
Jun-13-14	AGD	Emails and telephone calls re: discovery issues.	0.50
Jun-13-14	AGD	Corr and calls with co-counsel.	0.80 -2.0
Jun-15-14	AGD	Draft, edit Op Def motion on federal databases.	1.50
Jun-16-14	AGD	Op federal cases.	2.50
Jun-16-14	AGD	Analyze discovery re: EIC.	3.00
Jun-17-14	AGD	Memo on EIC, proof of citizenship, grandfather clause.	10.50 -2.5
Jun-18-14	AGD	Telephone hearing re: federal databases and priveledge.	1.00
Jun-19-14	AGD	Conference call Veasy team.	1.00
Jun-19-14	AGD	Research proof of citizenship bills.	1.00
Jun-19-14	AGD	Review discovery for motion to compel.	2.00
Jun-19-14	AGD	Conference call all CC lawyers, DOJ.	2.00 -2.0
Jun-19-14	AGD	TEL ER re: deposition questions.	0.50
Jul-02-14	AGD	Tel Veasey co-counsel re: tasks, SJ.	1.40
Jul-02-14	AGD	Email ER re: allocating sections, including draft topic list.	0.40
Jul-02-14	AGD	Review Order on motion to dismiss.	2.50
Jul-02-14	AGD	Tel Veasey co-counsel re: same and re: Dallas dismissal.	1.00
Jul-02-14	AGD	Review Davidson report (begin).	1.50
Jul-04-14	AGD	Review Davidson expert report.	4.00 -2.0
Jul-08-14	AGD	Tel all plaintiffs, tel DOJ,	1.50 -1.5
Jul-08-14	AGD	Prepare for Patrick deposition, including review his Section 5 case deposition, begin reviewing his documents	6.00
Jul-09-14	AGD	Prepare for Patrick deposition, including review his emails and other documents, discovery documents, depositions of other witnesses, Senate floor debate.	13.00 -5.0
Jul-10-14	AGD	Outlines examination, review documents, travel CHS-HOU.	11.50 -5.0
Jul-11-14	AGD	Attend deposition, including prepare for same.	7.50
Jul-12-14	AGD	Travel HOU-CHS.	5.00 -5.0
Jul-18-14	AGD	Draft FOF, COL. Poll tax.	9.00 -1.0
Jul-19-14	AGD	Draft FOF/COL. Crawford balancing test.	7.50
Jul-20-14	AGD	Draft FOF/COL Crawford Balancing test.	8.50 -0.5
Jul-21-14	AGD	FOF and COL on Crawford claim.	11.50 -3.5

Invoice #:	Sample	Page #:	3
Jul-22-14	AGD	Veasey Crawford claim, including review Paul Smith comments. Prepare for Fraser deposition.	4.00
Jul-22-14	AGD	Texas Advisory on missing DPS records.	2.40
Jul-28-14	AGD	Veasey counsel call, Tel ES and Scott re: Williams deposition, review docs, send message to them re: Wms deposition.	5.00
Jul-29-14	AGD	Tel ES, Anna Baldwin, review written questions for database deposition.	3.50
Jul-29-14	AGD	Review summary of Lichtman report.	1.00
Jul-30-14	AGD	Hearing, including preparation.	1.00
Jul-30-14	AGD	Tel ES, Herron, then tel Scott re: new data and payment.	1.00
Jul-30-14	AGD	Draft Poll tax argument, including research in memo and cases.	7.50 -2.5
Jul-31-14	AGD	Draft Poll tax.	2.00
Jul-31-14	AGD	Brief review of WI cases.	0.50
Jul-31-14	AGD	Tel Veasey counsel.	1.50
Jul-31-14	AGD	Draft Crawford claim.	8.50 -5.5
Jul-31-14	AGD	Tel EW re: herron, review Herron draft.	1.00
Aug-01-14	AGD	Draft Equal Protection claim (new citizenship requirement).	7.00
Aug-01-14	AGD	Research Bush v. Gore memo, including cases.	4.50 -3.5
Aug-02-14	AGD	Brief review of defendants expert reports.	2.00
Aug-02-14	AGD	Draft Crawford claim.	10.50 -4.5
Aug-03-14	AGD	Tel ES re: claims.	1.50
Aug-03-14	AGD	Review Metzger article, including cases.	2.50
Aug-04-14	AGD	Prepare for DC Meeting, review witness lists, complaints, depos.	7.50
Aug-05-14	AGD	Travel CHS-DCA.	1.50 -1.5
Aug-05-14	AGD	Conf ES to prepare for meeting of all plaintiffs.	2.50
Aug-05-14	AGD	All plaintiffs meeting.	5.00
Aug-05-14	AGD	Travel DC to NY.	3.50 -3.5
Aug-06-14	AGD	Conference calls plaintiffs.	2.00 -1.0
Aug-06-14	AGD	Hearing.	1.00
Aug-07-14	AGD	(In NY). Read WI Supreme Court cases.	4.00
Aug-08-14	AGD	(To Seattle). Tel ES, review witnesses, read CD report.	5.50
Aug-12-14	AGD	(Return from Seattle to CHS). Read NC decision, expert reports.	4.50
Aug-13-14	AGD	Draft COL Crawford.	6.00
Aug-14-14	AGD	FOF/COL Crawford, Poll tax.	10.00 -2.0

Invoice #:	Sample	Page #:	4
Aug-15-14	AGD FOF/COL Crawford, Poll tax.	10.00	-2.0
Aug-16-14	AGD FOF/COL Crawford, Poll tax.	10.00	-2.0
Aug-17-14	AGD FOF/COL Crawford, Poll tax.	10.00	-2.0
Aug-18-14	AGD FOF/COL Crawford, Poll tax.	10.00	-2.0
Aug-19-14	AGD FOF/COL Crawford, Poll tax.	10.00	-2.0
Aug-20-14	AGD FOF/COL.	10.00	-2.0
Aug-22-14	AGD Footnotes.	12.00	-4.0
Aug-23-14	AGD Prepare for trial, including witness lists and opening statements, emails to and from co-counsel re: same.	2.00	
Aug-24-14	AGD Prepare for trial, including research 7th Circuit status of Frank v. Walker, emails to co-counsel re: same.	9.00	-1.0
Aug-25-14	AGD Prepare for trial, including tel Herron, review Herron report, other databases expert witness reports, prepare for Herron conference re: depo, tel co-counsel re: Herron testimony.	9.00	-1.0
Aug-26-14	AGD Prepare for trial, including review FOF/COL and def. FOF/COL, tel Herron, GH to prepare for Herron depo.	9.00	-1.0
Aug-27-14	AGD Prepare for trial, including review depositions for depo designations, review exhibits and exhibit lists.	9.00	-1.0
Aug-28-14	AGD Prepare for trial, including review purpose reports (Lichtman, Davidson, Burton), Kousser report and charts (Section 54 trial).	9.00	-1.0
Aug-29-14	AGD Prepare for trial, including order of witnesses, exhibits and demonstrative exhibits.	9.00	-1.0
Aug-30-14	AGD Prepare for trial, including review all documents and research to take to Corpus Christi.	12.00	-4.0
Aug-31-14	AGD Prepare for trial, and travel CHS-CRP.	10.00	-5.0
Sep-01-14	AGD In CC: prepare for trial, including review docs, conf co-counsel.	7.00	
Sep-02-14	AGD Trial and preparation.	10.00	-2.0
Sep-03-14	AGD Trial and preparation.	10.00	-2.0
Sep-04-14	AGD Trial and preparation.	10.00	-2.0
Sep-05-14	AGD Trial and preparation.	10.00	-2.0
Sep-06-14	AGD Prepare for trial.	6.00	
Sep-07-14	AGD Prepare for trial.	6.00	
Sep-08-14	AGD Trial and preparation.	10.00	-2.0
Sep-09-14	AGD Trial and preparation.	10.00	-2.0
Sep-10-14	AGD Trial and preparation.	10.00	-2.0
Sep-11-14	AGD Trial.	8.00	
Sep-12-14	AGD Research pleadings in WI appeal. review pleadings in WI appeal, review news stories re: oral ent.	3.00	

Invoice #:	Sample	Page #:	5
Sep-13-14	AGD Listen to 7th Circuit oral argument, research case.	3.00	
Sep-14-14	AGD Travel CRP-CHS.	6.00	-6.0
Sep-15-14	AGD Review drafts of FOF and COL, draft new portions, including telephone call and email with JB.	10.00	-2.0
Sep-16-14	AGD Draft FOF/COL, including review transcripts of def. witnesses for adding to FOF.	10.00	-2.0
Sep-17-14	AGD Draft FOF/COL.	10.00	-2.0
Sep-18-14	AGD Draft FOF/COL.	10.00	-2.0
Sep-19-14	AGD Review FOF/COL as filed, begin preparing closing argument.	8.00	
Sep-20-14	AGD Work on closing including PowerPoint slides.	6.00	
Sep-21-14	AGD Work on PowerPoint slides in CHS.	4.00	
Sep-21-14	AGD Travel CHS-CRP.	6.00	-6.0
Sep-21-14	AGD Work on PowerPoint slides in CRP.	3.00	
Sep-22-14	AGD Attend closing arguments.	4.00	
Sep-22-14	AGD Return CRP-CHS.	6.00	-6.0
Sep-26-14	AGD Research stay applications.	2.00	
Sep-29-14	AGD Research stay applications, review Posner memo, emails JB.	3.50	
Sep-30-14	AGD Review 7th Circuit opinions on stay of Frank v. Walter, review S. Ct. stay of 6th Circuit case, 4th Circuit oral argument in NC case.	3.00	
Oct-09-14	AGD Reviewed Opinion.	6.00	
Oct-10-14	AGD Copfner co-counsel, reviewed Opinion, research re: Order, draft response to advisory (filed).	8.00	
Oct-11-14	AGD Reviewed Judgment, confer co-counsel, reviewed TX mandamus petition, draft opposition to TX mandamus (treating it as a motion for stay pending appeal).	12.00	-4.0
Oct-12-14	AGD Draft Op Stay, confer co-counsel.	6.00	
Oct-13-14	AGD Confer co-counsel, review State papers filed with S. Ct., outline preliminary application to S. Ct. to vacate stay (if granted).	5.00	
Oct-14-14	AGD Reviewed 5th Circuit stay, draft S. Ct. application to vacate stay, confer co-counsel.	10.00	-2.6
Oct-15-14	AGD Reviewed Stay applications filed by other plaintiffs and United States.	2.00	
Oct-16-14	AGD Draft Reply to TX on Stay application.	5.00	
Oct-18-14	AGD Review S. Ct. Order denying Application to Vacate Stay.	0.50	
Nov-18-14	AGD Draft motion to expedite appeal	2.40	
Nov-19-14	AGD Review redraft of motion to expedite appeal	0.60	



Invoice #:	Sample	Page #:	6
Dec-16-14	AGD	Conference call re briefing, including review stay application papers	1.30 -5.0
Jan-07-15	AGD	Research Hasen article re case	0.40
Jan-14-15	AGD	Draft QP, Statement of the Case, including reviewing procedural history and docket sheet.	4.50
Jan-15-15	AGD	Outline and Draft Statement of Facts.	6.00
Jan-16-15	AGD	Draft Statement of Facts.	7.50
Jan-19-15	AGD	Draft Statement of Facts, index.	9.00 - 1.0
Jan-20-15	AGD	Review Statement of Case, QP, Op Below, Statement of Facts, Index, send all to Veasey team.	1.00
Jan-27-15	AGD	Reviewed Bone, Herbert sections of facts, draft additional sections.	4.00
Jan-27-15	AGD	Reviewed TX request to seal part of Brief, email re: same.	0.30
Jan-29-15	AGD	Conference call of Veasey team re: brief.	1.00
Jan-30-15	AGD	Texas Briefing.	1.00
Feb-06-15	AGD	Begin drafting poll tax section.	0.50
Feb-07-15	AGD	Fact research re: NYC ID.	0.50
Feb-07-15	AGD	Draft poll tax argument.	6.00
Feb-08-15	AGD	Section 2 results test.	2.50
Feb-16-15	AGD	Draft Introduction.	3.50
Feb-17-15	AGD	Draft Crawford section	6.50
Feb-17-15	AGD	Draft Results section.	0.50
Feb-18-15	AGD	Redraft, edit Purpose section, telephone call with JB.	0.90
Feb-19-15	AGD	Compile, rough edit Master Draft, sent to Veasey team.	4.50
Feb-20-15	AGD	All-plaintiff call with DOJ.	0.60 -0.6
Feb-23-15	AGD	Review district court opinion and Herron report, census data re: racial disparities, send to Herron for telephone conference.	3.20
Feb-23-15	AGD	Review 5th Circuit rules.	0.50
Feb-24-15	AGD	Telephone call to Herron, Josh.	0.50
Feb-24-15	AGD	Researched cited cases.	4.50
Feb-25-15	AGD	Review DOJ and MP Suggestions on draft. Draft materials for Facts and Argument on racial disparities, including reviewing census data.	6.00
Feb-26-15	AGD	Reviewed Texas Brief in detail.	5.50
Feb-26-15	AGD	Completed inserts for Racial Disparity in Numbers.	1.30
Feb-27-15	AGD	Conference call with DOJ re: racial disparities, redraft same, multiple times.	6.00 -0.1
Feb-28-15	AGD	Final drafting of Brief.	9.50 -1.5
Mar-01-15	AGD	Final review of Josh and Gerry edits.	6.00

Invoice #:	Sample	Page #:	7
Mar-02-15	AGD	Final changes, emails.	2.00
Mar-03-15	AGD	Emails to Veasey team re: TX request for extension.	0.80
Mar-04-15	AGD	Conference call re: Texas request, emails.	1.50 -1.5
Mar-07-15	AGD	Review other appellee's Briefs.	3.50
Mar-09-15	AGD	Reviewed other briefs re: as-applied remedy, emails with Veasey team.	2.30
Apr-02-15	AGD	Conference call with Veasey team re: oral argument.	1.20
Apr-03-15	AGD	Conference call with all plaintiffs, then with Veasey team; emails to and from Veasey team re: position; review draft Motion for Added Time.	3.50 -1.0
Apr-05-15	AGD	Research on Swint and related cases re: appropriate relief upon holding of legal error in applying legal rules to make a finding of intent; email to Veasey team re: same.	2.50
Apr-06-15	AGD	Telephoned Karlan, all non-LDF plaintiffs re: Oral Argument.	0.80
Apr-06-15	AGD	Telephoned Flynn re: Swiont and other oral argument issues.	0.40
Apr-08-15	AGD	Telephone all plaintiffs re: Oral Argument and moot court preparations.	0.50 -0.5
Apr-08-15	AGD	Memo re: Issue of limited discriminatory purpose.	1.50
Apr-15-15	AGD	Preparation for Oral Argument (AD by Telephone).	3.00 -1.0
Apr-17-15	AGD	Telephoned Ezra re: Relief on Crawford-type claim, email from Ezra.	0.40
Apr-21-15	AGD	Conference with GH, CD, JB, and AK re: Oral Argument. Plus travel CHS-DCA.	3.00 -1.5
Apr-22-15	AGD	Moot court at DOJ.	4.00
Apr-22-15	AGD	Travel DC-NYC.	4.00 -4.0
Apr-24-15	AGD	Moot court at LDF.	2.00
Apr-24-15	AGD	Travel LGA-CHS.	2.00 -2.0
Apr-25-15	AGD	Review Briefs. Review 7th Circuit Decision in Frank v. Walker. Emails to CD.	4.50
Apr-26-15	AGD	Travel CHS-MSY.	4.00 -4.0
Apr-27-15	AGD	Review Briefs, emails and telephone call to CD.	1.50
Apr-28-15	AGD	Attend Oral Argument.	1.00
Apr-30-15	AGD	Travel MSY-CHS.	4.00 -4.0
Aug-05-15	AGD	Review opinion.	2.50
Aug-19-15	AGD	Conference Calls	1.50 -1.0
Aug-20-15	AGD	conf call, review and edit drafts	3.50 -1.0
Aug-21-15	AGD	tel CD, various emails re mtg with Texas	1.30
Aug-26-15	AGD	Travel Chs to Austin, conf CD	5.50 -4.0



Invoice #:	Sample	Page #:	8
Aug-26-15	AGD Cone call All PL minus DOJ	1.00	-1.0
Aug-27-15	AGD Meet/confer, retainer Austin to CHS	10.00	-4.0
Aug-31-15	AGD Review Petition for Rehearing, including research certain cited cases	3.00	
Aug-31-15	AGD Tel conference calls, all plaintiffs, all parties, Veasey team, ER	1.30	-1.3
Sep-02-15	AGD review stay, mandate, motions, draft-edit reply in support of motion to rmand for interikm relief	2.50	
Sep-03-15	AGD Edit, draft Reply on motion for immediate remand, including numerous emails and telephone	4.50	
Sep-07-15	AGD Research for drafting Op Regearing	2.00	
Sep-09-15	AGD Conference calls, all plaintiffs, Veasey team, tel Flynn, draft Opposition to Rehearing on En Banc	5.00	-1.0
Sep-10-15	AGD Complete Op Rehearing, including review Voting Section Suggestions, tells and emails with EF, CD	2.00	
Dec-17-15	AGD Rule 28j letter, review DOJ drafts, emails JGH, conf calls(2), one with LDF, other with all plaintiffs	3.50	-1.0
Jan-10-16	AGD Research and emails re SCT application	2.30	
Jan-19-16	AGD Tel Erin Flynn re notice to 5th Circuit re further action	0.20	
Jan-20-16	AGD Edit, draft letter to 5th Circuit re further steps	1.50	
Jan-29-16	AGD Calls, drafting motion/letter	4.50	-1.0
Feb-04-16	AGD Draft memo re motion to file after March 1	1.50	
Feb-16-16	AGD Conf call private plaintiffs	0.50	-0.5
Mar-08-16	AGD Conference calls Veasey team, all plaimntiffs, re Motion for ruling on interrim relief	3.50	-1.5
Mar-10-16	AGD Conference calls Veasey team, all plaintiffs, review corr re briefing schedule, argument date	2.00	-1.0
Mar-14-16	AGD Conference call Veasey team re motion for relief, review previous drafts	0.80	
Mar-16-16	AGD Review draft of motion for relief, conference call all plaintiffs	1.20	
Mar-17-16	AGD Edit, review  Emergency motion	4.00	
Mar-21-16	AGD TEL Veasey team re S.Ct. motion	0.30	
Mar-22-16	AGD Preliminary review of draft S.Ct. application to vacate 2014 stay	0.50	
Mar-23-16	AGD Draft, edit S.Ct. motion to vacarte stay	10.50	
Mar-24-16	AGD Draft, edit S.Ct. motion	7.00	
Apr-04-16	AGD Draft, edit Reply in support of emrgency Motion	1.50	
Apr-25-16	AGD Review NC case re purpose claim on ID law	3.00	

Invoice #:	Sample	Page #:	9
Apr-26-16	AGD	Review Korbel expert report re history of discrimination, tell DL, ER re same, emails Veasey team re amicus briefs	5.50
Apr-27-16	AGD	Review panel briefs, en banc TX party and amicus briefs, district and circuit opinions, Korbel report	5.50
Apr-27-16	AGD	Tel Veasey, LDF team	0.70
Apr-28-16	AGD	Draft purpose section of brief	7.50
Apr-28-16	AGD	Veasey team call, DL call, HB call re Korbel project	1.70
Apr-29-16	AGD	Conference calls (3), review S.Ct. Order	2.00 -1.0
Apr-29-16	AGD	Draft Brief re Crawford, as-applied, including research	3.60
Apr-29-16	AGD	Research appellants amicus briefs	3.00
Apr-30-16	AGD	Review Indiana amicus Brief, research and draft as-applied section	6.00
May-01-16	AGD	Check original complaint re request for relief	0.30
May-01-16	AGD	Review Korbel Appendix 1, send to HB	3.20
May-02-16	AGD	Review DL draft in detail, redraft purpose section	7.00 -4.7
May-02-16	AGD	Conference calls all plaintiffs, Veasey team	1.30 -1.0
May-02-16	AGD	Review Sabato & Simpson book, email all plaintiffs' counsel re same	2.00 -1.3
May-03-16	AGD	Draft Brief in detail, research Section 2 cases, FHA case, Section 2 analogues, mootness cases re poll tax	10.50 -2.5
May-03-16	AGD	Conference call re oral argument	0.50 -0.5
May-05-16	AGD	Draft Brief in detail	5.50
May-05-16	AGD	Draft Korbel paragraph, review HB data, review Korbel report and testimony, research Korbel cases	6.00 -3.5
May-06-16	AGD	Review Korbel paragraph and footnote, send to all plaintiffs' counsel	1.80
May-06-16	AGD	Review draft brief in detail	4.50
May-07-16	AGD	Review Korbel paragraph, read Korbel testimony, find Korbel exhibit (Appendix 1), numerous tels with HB, Abbie, CD, NB, GH,, redraft paragraph and footnote	8.50 -0.5
May-08-16	AGD	Final review of Brief, including check record and opinion citations, review amicus briefs, redraft footnote re Sabato and Simpson book	7.00
May-14-16	AGD	Review other appellees' en banc Briefs	2.50
May-17-16	AGD	Review amicus briefs	0.80
May-18-16	AGD	Review amicus briefs (continue)	2.50
May-19-16	AGD	Review vm from Erin Flynn re S.Ct. order, email co-counsel re same	0.30
May-22-16	AGD	Travel MSY	4.00 -4.0
May-23-16	AGD	Review opinions, tel CD re poll tax issue	2.50

Invoice #: Sample

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May-24-16	AGD	Attend oral argument	1.00	
May-25-16	AGD	TR MSY-CHS	4.00	
Jul-06-16	AGD	Tel Veasey team, review list of choices, edit same	1.40	
Jul-11-16	AGD	Tel all Plaintiffs, Veasey team	1.30	-0.5
Jul-20-16	AGD	Review opinion, tel co-counsel	4.00	
Jul-21-16	AGD	review Remedy, conference call co-counsel, motion to expedite	9.50	-1.5
Jul-22-16	AGD	Conference calls, motion to expedite, work on relief until 1:45am	12.00	-4.0
Jul-23-16	AGD	review imnterim remdey, Reasonable impediment affidavit, review other TX forms for language	6.30	
Jul-25-16	AGD	Analyze form and other forms for Interim remedy, motion to expedite, conf calls	4.50	-1.0
Jul-26-16	AGD	Conf calls re remedy, review WI Order, NC amicus brief	6.30	-1.0
Jul-30-16	AGD	draft email re proposed settlement, conference calls with all plaintiffs, and then with TX	4.50	-1.0
Aug-09-16	AGD	conference call Veasey team, draft letter to TX	2.20	
Aug-10-16	AGD	Edit letter, All-plaintiff call, Tel ER	2.30	-1.0
Oct-05-16	AGD	Draft response to Defendants' anticipated motion for protective order	2.00	
Oct-11-16	AGD	Review DOJ draft FOF	3.00	
Oct-13-16	AGD	Review Korbel Report, draft work plan for responding to History of Voting Discrimination section	4.50	
Oct-17-16	AGD	Edit FOF from Koprbel report, review report	7.50	
Totals			1163.10	\$712,980.30

Exhibit A-2

Following are the major activities in which I was engaged during the period August 2013 – April 2014:

1. Initial review of case and drafting 1 <sup>st</sup> and 2d Amended Complaints.	40.0
2. Establishing trial date of 2014 rather than 2015, including study of data needs and databases, legal analysis, consultation and negotiations with U.S. and TX, preparing memoranda and attending court hearings.	40.0
3. Working with data and experts to obtain and clarify data including population figures, database totals and partials, “scrubbing” and “cleaning” procedures, etc.	40.0
4. Planning and executing overall analysis of S.B. 14 as a mechanism for “picking and choosing” voters, including initial memorandum re same, 3-day conference with Veasey co-counsel to plan presentation of proof.	40.0
5. Drafting Opposition to Motion to Dismiss.	40.0
6. Written discovery, including drafting interrogatories and requests for production, Requests for admission, responding to same, and motions and memoranda re disputes such as how to count interrogatories.	40.0
7. Working with experts on various statistical and factual issues, including obtaining and presenting data re effect of S.B. 14.	40.0
8. Research on TX regulations and administrative issues, including EIC, citizenship, birth certificates, DL regulations, etc.	40.0
TOTAL	320.0
Less 20% reduction for billing judgment	- 64.0
NET TOTAL	256.0

**Exhibit B**

Out-of-pocket expenses for Armand Derfner, 2014-16: \$13,673.82

Corpus Christi (hearings and trial)

Houston (deposition)

Austin (deposition and settlement conference)

New Orleans (appeal oral arguments)

Washington (lawyers' conference and moot court)

New York (lawyers' conference and moot court)